

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,130	RUELKE	
	Examiner Christopher Verdier	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-20.
3.  The drawings filed on 9-22-03 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9-22-03
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald Evenson, Attorney of Record, on February 2, 2005.

The application has been amended as follows:

**In the Specification:**

In paragraph 29, line 7, "as" has been changed to -- is --.

In paragraph 29, line 7, -- and -- has been inserted after ",".

**In the Claims:**

In claim 1, line 1, "Run-in" has been changed to -- A run-in --.

In claim 1, line 5, -- the -- has been inserted after "in"

In claim 1, line 6, "the" (second occurrence) has been changed to -- a --.

In claim 2, line 1, "Run-in" has been changed to -- A run-in --.

In claim 2, line 2, "the" has been deleted.

In claim 3, line 1, "Run-in" has been changed to -- A run-in --.

Art Unit: 3745

In claim 3, line 3, "the" has been changed to -- a--.

In claims 4-10, line 1, "Run-in" has been changed to -- A run-in --.

In claim 12, line 8, "brushed" has been changed to -- brushes --.

Claim 11 has been amended as follows:

-- 11. (Currently Amended) ~~Use of a run-in A run-in~~ coating as claimed in Claim 1,  
wherein the run-in coating is used as a so-called casing treatment. --

The above changes to the specification have been made to correct grammatical errors.

The above changes to claims 1-10 have been made to improve the clarity and precision of the claims. The above change to claim 11 has been made to change claim 11 from an improper use claim as set forth in MPEP 2173.05(q). The above change to claim 12 has been made to correct a clerical error therein.

#### *Reasons for Allowance*

The following is an examiner's statement of reasons for allowance:

None of the prior art of record discloses or suggests metal wire bundles combined into brushes such that the brushes are strip-shaped and oriented at least predominantly in the axial direction and distributed uniformly spaced apart over the circumference of a rotating blade area of a compressor stage. None of the prior art of record discloses or suggests a compressor stator housing that surrounds a rotor with rotating blade tips, having metal wire bundles forming

Art Unit: 3745

brushes with free ends of the wires facing rotating blade tips, with the brushes being strip shaped and extending in a longitudinal direction of the stator housing such that they have circumferential spacing between adjacent ones of the brushes. The closest art of record is U.S. Patent 6,439,844 (figure 3), which discloses a segmented brush seal 18 with bristles 22 facing rotating blades. However, the segments of the brush seal are not oriented in the axial direction, and are not distributed uniformly spaced apart over the circumference of the rotating blade area, because the segments are in abutting contact with one another.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turnquist and Askit are cited to show a brush seal in a dovetail shaped groove.

Japanese Patents 59-505 and 58-143,014 are cited to show segmented seal assemblies, with each segment containing sealing members.

Art Unit: 3745

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.  
February 4, 2005

  
Christopher Verdier  
Primary Examiner  
Art Unit 3745